

CAL/EPA POLICY MEMORANDUM

SUBJECT: ENFORCEMENT PROGRAM OPERATIONAL PLAN	NUMBER: E-07-05
	DATE ISSUED: November 1, 2007
	EXPIRES: UNTIL RESCINDED
	CATEGORY: ENFORCEMENT
REFERENCES: California Government Code, Section 12812.2, Governor's Environmental Action Plan, Secretary of Cal/EPA Enforcement Initiative Memo of November 30, 2004	

This policy adopts the attached Enforcement Program Operational Plan as Cal/EPA policy. It is intended to establish a common framework for continued development of the necessary legal, policy and administrative enforcement program enhancements.

A goal of the Governor's Environmental Action Plan, implemented through the Cal/EPA Enforcement Initiative, is to improve the enforcement capability and consistency of each Board and Department within the agency and those of our local environmental regulatory partners. A comprehensive assessment of existing programs revealed gaps, impediments and inconsistencies in some programs requiring a variety of approaches over several years to adequately address. The Enforcement Program Operational Plan was developed to provide a basic blueprint or model of program structure and capability to guide this multi-year improvement. The current version of the Plan provides an important step in meeting the Governor's Action Plan and establishing a framework for continued improvement of our environmental enforcement programs.

Existing Enforcement Programs

While current Board, Department and local environmental regulatory programs share a fundamental mission of protecting health and the environment, there are significant differences in each program's enforcement element structure, approach, and capability. While some differences are appropriately attributable to the different regulatory issues associated with each media and will continue to be necessary, there are significant elements of basic inspection and enforcement authority, policy and process that can and should be part of each agency's enforcement program. In some programs, inadequate or missing enforcement authorities, policies or structures remain impediments to effective, multi-media environmental enforcement and send confusing messages to both regulated entities and the public.

Within three months from the date of this policy, a format and a process will be developed for use by each Board and Department in reviewing their existing enforcement program in comparison with the Plan. The format will identify how differences will be assessed and require recommendations for any necessary administrative, legal or fiscal changes. Upon completion, the proposed format and process will be forwarded to the Secretary for approval.

Each Board and Department will utilize the approved format and process to complete their program assessment and report to the Deputy Secretary for Law Enforcement and Counsel within six months of the date the format is approved by the Secretary.

New Program Development Proposals

New legislative proposals, rule makings, budget change proposals, reorganization plans and similar concepts with impacts on the enforcement program, that are initiated after the date of the program assessment report shall identify: 1) how the proposed changes will implement recommendations of the assessment and bring the program into closer alignment with the Enforcement Program Operational Plan or 2) why such alignment is unnecessary.

_____/s/

Linda S. Adams
Secretary

Attachment: Enforcement Program Operational Plan Charter

**CAL/EPA ENFORCEMENT INITIATIVE
ENFORCEMENT PROGRAM OPERATIONAL PLAN STEERING COMMITTEE
CHARTER**

November 1, 2007

NAME: Enforcement Program Operational Plan Steering Committee

SPONSOR: Matt Bogoshian, Deputy Secretary for Law Enforcement and Counsel

SPONSOR'S DESIGNEE: Don A. Johnson, Assistant Secretary

MEMBERSHIP: Assistant General Counsel for Enforcement; Assistant Secretary for CUPAs and Emergency Response; and assigned staff from each Board and Department.

MISSION: Plan and manage the continuing improvement and coordination of California's environmental regulatory programs, to ensure that enforcement is adequate effective and timely.

BACKGROUND: Cal/EPA's Enforcement Initiative Team on the Enforcement Program Operational Plan developed a draft model that includes key elements and concepts with value for each environmental regulatory program. Continued development of the model, a process for the recommended self evaluations of each program, analysis of results and development of a comprehensive plan to prioritize necessary improvements are expected to be a multi-year effort. A coordinated agency-wide approach can share individual program successes and innovations to enable others to produce better and more consistent improvements. Sharing tools and techniques employed by others can reduce implementation costs. Greater program coordination and consistency has the potential to enhance each program's ability to meet our overall environmental mission and has the potential to improve our success in obtaining the necessary authority or resources.

GOALS:

Review, prioritize, and set up sub-committees/workgroups to develop and implement the following and/or other issues identified by the Enforcement Program Operational Plan Steering Committee:

1. Continued development of the Enforcement Program Operational Model;
2. A process and format for regulatory program self evaluations and identification of changes deemed necessary and appropriate for greater conformity with the Model;
3. A system to track progress in achieving necessary administrative, fiscal and legislative improvements; and
4. Enforcement program general policy statements.
5. Incorporation of enforcement program performance measures
6. A process, format and timeline for coordinated reporting of enforcement program performance

GOVERNANCE:

Committee Authority:

1. Make recommendations to the Secretary within the scope of this project that would change; existing local, State or Federal legal, policy or administrative standards.
2. Dedicate resources as appropriate to implement or support Committee projects.
3. Charter workgroups/sub-committees as necessary to develop specific projects or proposals for committee consideration.
4. Invite other participants as appropriate.

COMMITTEE COMMITMENTS:

Sponsor's Designee:

- Meet with team as necessary to provide policy direction.
- Meet with team for progress updates.
- Review/approve implementation plan and deliverables.
- Communicate relevant information regularly with steering committee.
- Assist with resolving differences between Cal/EPA and BDOs on team products, or when BDO resources dedicated to work on this enforcement initiative conflict with BDO priorities.
- Review and approve plans and subsequent deliverables.
- Report progress of steering committee to the sponsor.
- Advise sponsor as necessary for approval of committee recommendations.

Committee Members:

- Active participation in team meetings.
- Review and constructive comment on Committee proposals and draft products.
- Share program information.
- Work toward constructive and cooperative development of solutions.
- Fair, professional and careful consideration of all recommendations.
- Participate on sub-committees and workgroups or provide staff to research and develop ideas for program improvement.

Committee Duties:

- The Committee will meet at least once each quarter or as often as monthly if deemed necessary. Committee members will participate in meetings and complete agreed upon tasks as appropriate.

PROJECT DURATION: Until discontinued by the Secretary.

/s/

Linda S. Adams
Secretary for Environmental Protection